DEDICATION — ACCEPTANCE — ADVERSE POSSESSION — Lots were sold as bounding on an unopened street, appearing on the grantor's map. There was no public acceptance of the street nor user by the public. *Held*, that the public has a right to the street. *Harrington* v. *City of Manchester*, 82 Atl. 716 (N. H.).

The distinction between what constitutes a dedication and what is necessary for the creation of liability for repair on the part of the public authorities is often confused. In the United States it is generally held that there must be an acceptance, express or implied, by the public authorities to charge a city or town with liability. *Maine* v. *Bradbury*, 40 Me. 154; *Downend* v. *Kansas City*, 156 Mo. 60, 56 S. W. 902. And usually acceptance is necessary to complete a dedication. *Chicago* v. *Drexel*, 141 Ill. 89, 30 N. E. 774; *Williams* v. *New York and New Haven R. Co.*, 39 Conn. 509. But a dedication made by the sale of lots with reference to a map laying out streets is irrevocable although no acceptance is made by the public. *Trustees of Methodist Episcopal Church* v. *Council of Hoboken*, 33 N. J. L. 13; *Mayor, etc. of Baltimore* v. *Frick*, 82 Md. 77, 33 Atl. 435. The principal case holds that acceptance is presumed if the gift is beneficial, since a dedication partakes of the nature of a gift. *Flack* v. *Village of Green Island*, 122 N. Y. 107. But this reasoning is not in accord with the authorities, which in most cases require acceptance in fact. *Holdane* v. *Cold Spring*, 21 N. Y. 474. Estoppel is usually given as the basis for the irrevocability, because purchasers of lots have relied on the dedication. *President, etc. of Cincinnati* v. *White*, 6 Pet. (U. S.) 431. But see ANGELL, HIGHWAYS, 3 ed., § 156.

EVIDENCE — DECLARATIONS IN COURSE OF DUTY — ENTRIES MADE BY PERSON OTHER THAN ORIGINAL OBSERVER. — Workmen reported their time expended to a clerk, who entered the time on a slip of paper. These entries were copied by another clerk into a record of the work. The original slips having been destroyed, the record was offered in evidence under the oath of both clerks, the one testifying that he had correctly entered the time on the slips as reported by the men, the other that he had copied the entries correctly into the record. *Held*, that the evidence is admissible. *Pacific Tel. & Tel. Co.* v. *Huetter*, 123 Pac. 607 (Wash.).

For a discussion of the principles involved, see 18 HARV. L. REV. 52; 19 HARV. L. REV. 301.

EVIDENCE — DYING DECLARATIONS — PERSONAL KNOWLEDGE BY DECEASED OF FACTS STATED. — In a trial for homicide A. testified that the deceased made a dying declaration that the defendant shot him. B. testified that the deceased said he knew the defendant shot him because his cousin had told him that the defendant was going to "get" him. *Held*, that B.'s evidence goes to the weight but not to the admissibility of A.'s evidence. *Ex parte Key*, 59 So. 331 (Ala.).

The facts of the principal case will bear two interpretations: either that the deceased had no personal knowledge of his assailant, or that he was confirmed in his own observation of his assailant by his cousin's story. If the first interpretation is correct, the court clearly erred in admitting the declaration. The dying-declaration exception to the hearsay rule can do no more than, in effect, to put the deceased on the stand. *Rex* v. *Sellers* (MS.), O. B. 1796, cited in CARRINGTON, SUPPLEMENT TO CRIMINAL LAW TREATISES, 233; *Whitley* v. *Georgia*, 38 Ga. 50. Even declarations of personal observations by the deceased in the form of opinion are excluded, though this view has been severely criticized. See 2 WIGMORE, EVIDENCE, § 1447. But there is no substantial reason whatever for admitting his fancies, or his opinions as to facts of which he has merely a hearsay knowledge. *Jones* v. *Mississippi*, 79 Miss. 309, 30 So. 759. If, however, on any view of the evidence in the princi-